

## **REMARKS**

### **Examiner Interview**

Applicant thanks the Examiner for the courtesy of the telephone interviews on May 30 and June 11, 2007 in which the rejections of the claims under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 101 were discussed. The Examiner agreed that Applicant's description of a memory at page 7, lines 29 through page 8, line 3 (Figure 1, memory 140) of the specification provides sufficient support for a computer readable storage medium and that such claims would comply with § 112, first paragraph. In addition, the Examiner requested that Applicant provide citations to the portions of the specification that describe the useful, concrete and tangible result provided by the claimed subject matter in response to the § 101 rejection.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 112, first paragraph***

##### **Claims 49, 51, 53-68, 70, 72-76**

Claims 49, 51, 53-68, 70, 72-76 stand rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement.

Applicant has amended the claims to specify a computer readable storage medium. Because the specification describes a memory within a computer system as operative to store software for execution, i.e., executable instructions, Applicant respectfully submits that the amended claims comply with § 112, first paragraph.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph.

#### ***Rejections under 35 U.S.C. § 101***

##### **Claims 21, 40, 49, 68, 77, 96, 105 and 124**

Claims 21, 40, 49, 68, 77, 96, 105 and 124 stand rejected under 35 U.S.C. § 101 because the claimed invention is drawn to non-statutory subject matter.

In claims 21, 40, 49, 68, 105 and 124, Applicant's preamble specifies that an MDS space is represented as a hierarchical data structure that is searchable to identify

objects with similar attributes. In claims 77 and 96, representing the MDS space as a searchable hierarchical data structure is specified in the body of the claims. Applicant respectfully directs the Examiner's attention to page 8, lines 13 through page 9, line 4, where representing an MDS space as a hierarchical data structure and the use of such a hierarchical data structure in locating similar/dissimilar objects is discussed. Applicant further directs the Examiner's attention to page 15, lines 4-32 where an exemplary hierarchical data structure illustrated in Figure 2 is discussed. Because the ability to find similar or dissimilar objects is a useful, concrete and tangible result of representing an MDS space as a searchable hierarchical data structure, Applicant respectfully submits that the invention as claimed in claims 21, 40, 49, 68, 77, 96, 105 and 124 is patentable subject matter as set forth in the April 2007 memo that clarified the Interim Guidelines for Examination of Patent Applications for Subject Matter Eligibility.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 101.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 21, 23, 25-40, 42, 44-49, 51, 53-68, 70, 72-77, 79, 81-96, 98, 100-105, 107, 109-124, 126 and 128-132 are allowed if the pending rejections under § 112 and § 101 are overcome.

#### **SUMMARY**

Claims 21, 23, 25-40, 42, 44-49, 51, 53-68, 70, 72-77, 79, 81-96, 98, 100-105, 107, 109-124, 126 and 128-132 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

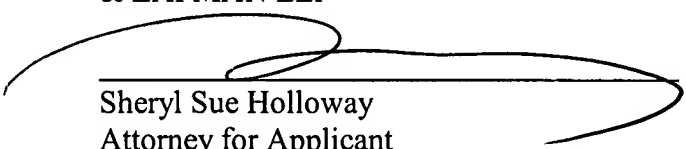
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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